

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

RICHARD SCOTT BLACKSTONE,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-22762

MR. MASTERS, WARDEN, et al.

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this matter was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings and recommendations ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. No. 2.)

Magistrate Judge Aboulhosn submitted to the court his PF&R on November 28, 2016, in which he recommended that the Court deny Plaintiff's "Motion to Dismiss Without Prejudice Both Defendants Panaguiton and Matos" (Doc. No. 48), grant Defendants' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment" (Doc. No. 53), dismiss Plaintiff's Complaint (Doc. Nos. 4 and 25), and remove this matter from the Court's docket. (Doc. No. 64.)

In accordance with 28 U.S.C. § 636(b), the parties were allotted seventeen days in which to file any objections to

Magistrate Judge Aboulhosn's PF&R. The failure of any party to file such objections within the time allotted constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). Neither party filed any objections to the Magistrate Judge's PF&R within the required time period.

Accordingly, the court adopts Magistrate Judge Aboulhosn's PF&R as follows:

- 1) Plaintiff's "Motion to Dismiss Without Prejudice Both Defendants Panaguiton and Matos" (Document No. 48) is **DENIED**;
- 2) Defendants' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment" (Document No. 53) is **GRANTED**;
- 3) Plaintiff's Complaint (Document Nos. 4 and 25) is **DISMISSED**; and
- 4) The Clerk is directed to remove this matter from the docket of the Court.

The Clerk is further directed to forward a copy of this Order to counsel of record.

It is **SO ORDERED** this 1st day of February, 2017.

ENTER:



2 David A. Faber
Senior United States District Judge